

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

MAR 09 2006
10
at 10 o'clock and 10 min. M
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: LINDA NANISENI

Case Number: CR 01-00492HG-18

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor
U.S. District Judge

Date of Original Sentence: 7/1/2003

Original Offense: Count 1: Possession With Intent to Distribute in Excess of
100 Grams of Heroin, in violation of 21 U.S.C. §§ 841(a) and
841(b)(1)(B), a Class B felony

Original Sentence: Thirty-seven (37) months imprisonment and five (5) years
supervised release with the following special conditions: 1) That
the defendant participate in a substance abuse program, which
may include drug testing at the discretion and direction of the
Probation Office; 2) That the defendant is prohibited from
possessing any illegal or dangerous weapons; and 3) That the
defendant provide the Probation Office access to any requested
financial information.

Type of Supervision: Supervised Release Date Supervision Commenced: 4/22/2005

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

General Condition: *That the defendant shall refrain from any unlawful use of a
controlled substance. Shall submit to one drug test within
15 days of the commencement of supervision and at least
two periodic drug tests thereafter but no more than 8 valid
drug tests per month during the term of supervision.*

Special Condition No. 4: *That the defendant shall not possess or consume alcohol for
the duration of the supervised release term.*

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Special Condition No. 5: *That the defendant participate in a mental health treatment at the discretion and direction of the U.S. Probation Office.*

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. General Condition	On 1/27/2006, the offender engaged in Conduct Constituting Operating a Vehicle While Under the Influence of an Intoxicant, in violation of Hawaii Revised Statutes (HRS) § 291E-0061.
2. General Condition	On 1/27/2006, the offender engaged in conduct constituting Inattention to Driving, in violation of HRS § 291-0012.
3. General Condition	On 1/27/2006, the offender engaged in Conduct Constituting Conditions of Operation and Registration of Motor Vehicles, in violation of HRS § 431:10C-104.

At this time, the offender has been on supervision for approximately 9 months. On 1/30/2006, the offender contacted our office and informed that she had been involved in a traffic accident on 1/27/2006. The offender admitted that she had consumed alcohol prior to the collision. The offender was transported to the hospital where she received stitches to her forehead. She remained in the hospital for observation for one night. Hawaii County Police Report No. C06003023 indicates that on 1/27/2006, at approximately 7:15 p.m., Hawaii County Police Department (HCPD) responded to a one vehicle collision at the intersection of Highway 11 and the upper entrance of Old Volcano Road in Keaau. Fire rescue was on the scene attempting to assist the offender who was hysterical and had sustained injuries. The emergency medical technicians (EMT) informed HCPD that there was a strong odor of alcoholic beverage on the offender's breath. EMT transported the offender to Hilo Medical Center. Upon arrival to the hospital, they informed HCPD that the offender had to be sedated.

When questioned by this officer, the offender explained that she was experiencing a nervous breakdown following a press release on 1/27/2006 that announced the indictment of her son, Timothy Marwann Jackson, for Second Degree Murder, First Degree Sexual Assault, Kidnaping, and violation of a restraining order. The offender stated that despite nearly 5 years of sobriety, she went to a local bar at the Keaau Shopping Center and "had a few beers." The offender admitted that she was not coping with the current situation and that she needed additional help.

In an attempt to provide additional support to the offender, counseling sessions at the Drug Addiction Services of Hawaii, Inc. (DASH), were increased to one, 1-hour session per week. On 1/31/2006, at this officer's direction, the offender met with a

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therapist. The offender will continue to meet with the therapist twice a week, in addition to continuing to participate in substance abuse counseling and drug testing at DASH.

On 2/6/2006, this officer met with the offender and her therapist. The offender appeared to be stable and the therapist confirmed that they were slowly making progress. The offender was presented with the proposed modifications, to which she was willing to comply.


To the offender's credit, since the onset of her term, she has made an effort to comply with the supervision conditions by regularly participating in the drug aftercare program at DASH - Hilo, maintaining employment at the Kilauea Chalets in Volcano, Hawaii, and living in a stable home environment with her husband.

Based on the offender's willingness to participate in mental health counseling and to abstain from alcohol for the remainder of her term, we are recommending that the Court modify the supervised release conditions and impose the aforementioned special conditions. Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives her right to a hearing and to assistance of counsel. The offender agrees to the modifications of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modifications and have no objections to the modifications.

Respectfully submitted by,


for LISA K.T. JICHA
U.S. Probation Officer


Approved by:


GENE DeMELLO, JR.
Supervising U.S. Probation Officer

Date: 2/15/2006

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



HELEN GILLMOR
Chief U.S. District Judge
2.16.06

Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

General Condition: *That the defendant shall refrain from any unlawful use of a controlled substance. Shall submit to one drug test within 15 days of the commencement of supervision and at least two periodic drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.*

Special Condition No. 4: *That the defendant shall not possess or consume alcohol for the duration of the supervised release term.*

Special Condition No. 5: *That the defendant participate in a mental health treatment at the discretion and direction of the U.S. Probation Office.*

Witness:



LISA K.T. JICHA
U.S. Probation Officer

Signed:



LINDA NANISEN
Supervised Releasee

2/6/2006

Date